

REMARKS

In the Office Action, the Examiner rejected claims 1-3, 5-7, and 13 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,267,789 to Besaw et al. ("*Besaw*") in view of U.S. Patent Application No. 2004/0268147 to Wiederin et al. ("*Wiederin*"); rejected claims 4 and 8-12 under 35 U.S.C. § 103(a) as unpatentable over *Besaw* in view of *Wiederin* and further in view of U.S. Patent No. 6,650,347 to Nulu et al. ("*Nulu*"); and provisionally rejected claims 1, 3, and 5 for nonstatutory double patenting.

By this amendment, Applicants amend claims 1, 4, and 5, and cancel claim 3 without prejudice or disclaimer. Based on the amendments and the following remarks, Applicants respectfully traverse the rejections presented in the Office Action.

I. The Telephonic Interview of June 4, 2008

Applicants would like to thank the Examiner for the telephone interview of June 4, 2008 with Applicants' representative. Applicants discussed the possibility of amending independent claim 1 to recite "a directional representation of a hierarchical association between two of the grid managers" (emphasis added). The Examiner agreed that this would distinguish the *Besaw* reference.

II. The Rejection of Claims 1-3, 5-7, and 13 under 35 U.S.C. § 103(a)

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* "A

conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1996) . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III). In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

A. Claims 1-3, 5-7, and 13

Claim 1 recites, for example, “a computer-readable storage device comprising instructions for causing a processor to ... generate ... a display comprising ... a graph with edges and vertices ... wherein each of the edges includes a directional representation of a hierarchical association between two ... grid managers” (emphasis added). *Besaw* and *Wiederin* fail to render obvious, among other things, the claimed “directional representation of a hierarchical association between two ... grid managers.”

Besaw discloses a “system for automatically laying out and graphically displaying the topology of a computer network system” (*Besaw*, abstract). *Besaw* also discloses laying out nodes as vertices, and connections between the nodes as edges between the nodes, in graphical form (*Besaw*, col. 2, lines 16-20). The Examiner relies on *Besaw*’s edges representing connections as allegedly corresponding to the claimed “edges” (Office Action at p. 3). However, *Besaw* states that the network “is treated as an undirected graph consisting of a set of vertices and edges” (*Besaw*, col. 3, lines 8-9). As *Besaw*’s graph is undirected, *Besaw*’s graph does not include a “directional representation.” Further, as discussed above, the Examiner agreed in the interview that *Besaw* does not disclose a “directional representation of a hierarchical association” (emphasis added). Therefore, *Besaw* fails to teach or suggest the claimed “directional representation of a hierarchical association between two ... grid managers,” as recited by independent claim 1.

Wiederin fails to cure the deficiencies of *Besaw*. *Wiederin* discloses a network device for providing security that includes a firewall and intrusion detection logic

(*Wiederin*, abstract). *Wiederin* also discloses that the device can function in a grid-based network (*Wiederin*, ¶ 52). However, *Wiederin* does not teach or suggest the claimed “directional representation of a hierarchical association between two ... grid managers,” as recited by independent claim 1.

For at least the above reasons, the cited references do not render obvious claim 1, and a *prima facie* case of obviousness has not been established. Therefore, the Examiner should withdraw the rejection of claim 1 under 35 U.S.C. § 103(a) and allow independent claim 1.

Independent claim 5, although of different scope from claim 1, is distinguishable from the cited references for at least reasons similar to those discussed above with respect to claim 1. Therefore, the Examiner should also withdraw the rejection of claim 5 under 35 U.S.C. § 103(a) and allow these independent claims.

Claims 2, 3, and 13 depend from claim 1, and claims 6 and 7 depend from claim 5. These dependent claims are allowable at least due to their dependence on the independent claims. Accordingly, the Examiner should also withdraw the rejection of dependent claims 2, 3, 6, 7, and 13, and allow these dependent claims.

II. The Rejection of Claim 4 and 8-12 under 35 U.S.C. § 103(a)

A. Claim 4

Claim 4 recites, for example, a computer-readable storage device comprising instructions for causing a processor to perform a method including “receiving, with an event handler, a request identifying one of the nodes [representing computers] in the first GUI” and “displaying a second GUI in response to the request [identifying one of

the nodes representing computers], the second GUI illustrating the grid manager running on the identified node and an inferior grid manager on a node other than the identified node.” *Besaw*, *Wiederin*, and *Nulu*, taken alone or in combination, fail to render obvious, among other things, this subject matter of claim 4.

As discussed, *Besaw* discloses a “system for automatically laying out and graphically displaying the topology of a computer network system” (*Besaw*, abstract). In *Besaw*’s system, a user can progress through views of a network at various levels of detail. For example, a user can see an internet view consisting of clusters, a cluster view consisting of networks, a network view consisting of segments, and a bus view consisting of network nodes (*Besaw*, col. 5, lines 26-57 and FIGS. 2-5). However, *Besaw* does not disclose that a user can identify one of the nodes and view another GUI showing a grid manager on both the identified node and another node. Therefore, *Besaw* does not teach or suggest at least “displaying a second GUI in response to the request [identifying one of the nodes representing computers], the second GUI illustrating the grid manager running on the identified node and an inferior grid manager on a node other than the identified node,” as recited by independent claim 4.

As discussed, *Wiederin* discloses a network device for providing security that includes a firewall and intrusion detection logic (*Wiederin*, abstract). However, *Wiederin* does not teach or suggest at least “displaying a second GUI in response to the request [identifying one of the nodes representing computers], the second GUI illustrating the grid manager running on the identified node and an inferior grid manager on a node other than the identified node,” as recited by independent claim 4.

Nulu discloses a graphical user interface for maintaining networking hardware, and the GUI includes a maintenance menu and a resource tree (*Nulu*, abstract). *Nulu*'s various GUIs include an illustration of a backplane with a number of different network cards (FIG. 2A), along with an illustration of which lines on a card are enabled (FIG. 5B). However, *Nulu*'s illustrations of network cards do not illustrate grid managers. Moreover, the claimed nodes are representing computers, whereas *Nulu*'s illustrations represent multiple devices on a single computer. Further, *Nulu*'s GUI is not displayed in a second GUI response to a request identifying a node in a first GUI. Therefore, *Nulu* does not teach or suggest at least "displaying a second GUI in response to the request [identifying one of the nodes representing computers], the second GUI illustrating the grid manager running on the identified node and an inferior grid manager on a node other than the identified node," as recited by independent claim 4.

For at least the above reasons, the cited references do not render obvious claim 4, and a *prima facie* case of obviousness has not been established. Therefore, the Examiner should withdraw the rejection of claim 1 under 35 U.S.C. § 103(a) and allow independent claim 4.

B. Claims 8-12

Claim 8 depends from claim 5, and claims 9-12 depend from claim 1. As discussed, *Besaw* and *Wiederin* fail to teach or suggest "a directional representation of a hierarchical association between two ... grid managers."

Nulu fails to cure the deficiencies of *Besaw* and *Wiederin*. As discussed, *Nulu* discloses a graphical user interface for maintaining networking hardware, and the GUI

includes a maintenance menu and a resource tree (*Nulu*, abstract). *Nulu*'s various GUIs include an illustration of a backplane with a number of different network cards (FIG. 2A), along with an illustration of which lines on a card are enabled (FIG. 5B). However, *Nulu* does not disclose a directional representation of an association between the cards. Moreover, *Nulu*'s cards are not "grid managers." Therefore, *Nulu* fails to teach or suggest the claimed "directional representation of a hierarchical association between two ... grid managers" as recited by independent claim 1.

For at least the above reasons, the cited references do not render obvious claims 8-12, and a *prima facie* case of obviousness has not been established. Therefore, the Examiner should withdraw the rejection of claim 1 under 35 U.S.C. § 103(a) and allow claims 8-12.

III. The Rejection of Claims 1, 3, and 5 for nonstatutory double patenting

The Examiner rejected claims 1, 3, and 5 of this application ("the '886 application") for nonstatutory double patenting over claims 1, 7, and 7 of copending application no. 10/706,377 ("the '377 application"). Applicants disagree with the Examiner's assertion that "claims 1, 3, and 5 of application 10/712,886 are synonymous with the language used in the corresponding claims for application 10/706,377" (Office Action at p. 29).

Further, even assuming the Examiner is correct, the amendments to the claims as presented herein render claims 1 and 5 patentably distinct from the claims of the '377 application. For example, claim 1 recites "a directional representation of a hierarchical association between two of the grid managers" and claim 5 recites "vectors

directed from the grid managers,” recitations not contained in the claims of the ‘377 application. Claim 3 has been canceled. Therefore, Applicants respectfully request the Examiner to withdraw the rejection.

IV. Official Notice

The Examiner makes numerous statements in the Office Action about allegedly “well-known” subject matter. Applicants have previously traversed these statements as a taking of Official Notice (e.g., Amendment After Final filed February 15, 2008). The Examiner has not responded in any fashion to the traversal, i.e. by either withdrawing the statements, or citing a competent prior art reference to support a taking of Official Notice.

To the extent that the Examiner intends to rely on Official Notice when making these statements, Applicants respectfully traverse the Official Notice as discussed in the Amendment After Final. Moreover, Applicants respectfully request the Examiner to explicitly indicate on the record whether the Examiner intends to take Official Notice by making these statements. If the Examiner is relying on Official Notice, Applicants again request the Examiner to cite a competent prior art reference. If the Examiner is not relying on Official Notice, Applicants respectfully request the Examiner to identify where the references cited in the 35 U.S.C. § 103(a) rejections support the Examiner’s statements about “well-known” subject matter in the art.

V. Conclusion

In view of the foregoing remarks, Applicants submit that this claimed invention, is neither anticipated nor rendered obvious in view of the cited art. Applicants therefore


request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 12, 2008

By: 
Philip J. Hoffmann
Reg. No. 46,340